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April 11, 2008

Via Certified Mail #70041160000109409141
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Mr. Jon Goldstein, Deputy Secretary
New Mexico Environment Department
Water and Waste Management Division
P.O. Box 26110
Santa Fe, New Mexico 87502

Dear Mr. Goldstein:

Re: Hanover/Whitewater Creeks Investigation Units -Chino AOC
Technical Memorandum, Data to Support Ecological Risk Assessment

Submitted under separate cover are responses to comments provided by the New Mexico Environment Department (NMED) and the revised Technical Memorandum (TM) titled "Data to Support Ecological Risk Assessment" for the Hanover/Whitewater Creeks Investigation Units under the Chino Administrative Order on Consent. The revisions were made to the TM upon receipt of the NMED comment letter dated March 26, 2008. The revised TM and response to comments were hand delivered to Mr. Phil Harrigan today.

Please contact Ms. Pam Pinson at (505) 537-4213 if you have any questions regarding the revised TM.

Sincerely,

Timothy E. Eastep, Manager
Environmental, Land and Water

TEE:pp
20080411-001

xc: Messrs: Phil Harrigan, NMED
Jerry Schoeppner, NMED
Mark Purcell, EPA

9351862



Response to NMED Comments
Technical Memorandum, Data to Support Ecological Risk Assessment
Hanover/Whitewater Creeks Investigative Unit

April 11, 2008

This document presents Chino Mines Company's (Chino) response to comments from the New Mexico Environment Department (NMED) on the Technical Memorandum (TM) titled "Data to Support Ecological Risk Assessment." This TM is part of the Hanover/Whitewater Creeks Investigation Units of the Administrative Order on Consent (AOC) for Chino Mines Company (Chino). The comments were received from the NMED in a letter dated March 26, 2008. The TM was prepared in accordance with the Scope of Work associated with the AOC between Chino and the NMED. Chino has revised the TM to incorporate the comments and has enclosed the revised document. The NMED comments and Chino responses are as follows:

NMED Comment 1

Section 2.4, page 4: please add a fourth sentence that states "Additionally, the Ecological Risk Assessment will investigate potential risk to aquatic life through the comparison of acute and chronic surface water criteria."

Chino Response

The text has been edited as requested.

NMED Comment 2

Section 3.1.2, page 8: the first sentence refers to Figure 4 as showing the locations of the nine samples collected; however, Figure 4 only shows 5 of the 10 sample locations. Please revise as necessary.

Chino Response

The reference to Figure 4 has been removed from the text, replaced with locations being referenced in Figures 2A and 2B.

NMED Comment 3

Section 3.1.2, page 8: please revise the third sentence to read "The sample locations are shown on Figures 2A and 2B *by their unique sample identification number* and are described in Table 4."

Chino Response

The text has been edited as requested, with the exception of referencing Table 11 in the revision and not Table 4. With the addition of 8 new tables for the aquatic life standards as discussed for Comment 13, the previous table numbers have changed. Chino did not originally include aquatic water standards in this TM in order to maintain consistency with the applicable receptors used in Chino's supplemental closure discharge permit. The 2005 letter for "Approval of Addendum and Schedule for Chino Site-Wide State 1 Abatement Plan, Condition 32 DP-1340" from Ms. Mary Ann Menetrey to Mr. Ned Hall, which addressed the *Addendum to Site Wide Abatement Plan – Surface Water and Vadose Zone Characterization Report*, states that livestock watering and wildlife habitat are the applicable surface water quality standards for Whitewater and Hanover Creeks, and Lampbright Draw. Ms. Menetrey cited Sections 20.6.4.10.A, 10.6.4.12 and 20.6.4.900 NMAC in her request for Chino to remove references to other standards, such as aquatic toxicity, from the report.

NMED Comment 4

Section 3.1.3, page 9: the last sentence of the first paragraph indicates that Figure 4 shows the location of sample location B45.8E; however, that uncollected sample location is not shown on Figure 4. Please revise as necessary.

Chino Response

This reference has been removed from the text.

NMED Comment 5

Section 4.1, page 12: please revise the first sentence to read "The objective ... from the Hanover/Whitewater *Creeks* Investigation Unit (IU)."

Chino Response

The text has been edited as requested.

NMED Comment 6

Section 4.2, page 14: please revise the second sentence of the paragraph beginning "Although invertebrate" to read "An effort was made to include ~~proportions of~~ each species *observed* in the samples ~~according to their relative proportion of the overall forage collected~~ at each location."

Chino Response

The text has been edited as requested.

NMED Comment 7

Section 4.2, page 14: please correct the spelling to "rinsate".

Chino Response

The spelling has been corrected as requested.

NMED Comment 8

Section 4.2, page 15: please add a reference to Appendix G in the first paragraph.

Chino Response

The reference to Appendix G has been added as requested.

NMED Comment 9

Table 3: please revise the table to include the total and dissolved metal analysis results. The mercury wildlife and selenium wildlife and aquatic criteria are based on total metals.

Chino Response

Tables 3 to 10 comparing summer rainfall pools total and dissolved metals results to aquatic life acute and chronic standards have been added to the document. These tables include both the total and dissolved metals results.

NMED Comment 10

Table 3: please add the aquatic life acute and chronic surface water criteria calculated as per NMAC 20.6.4.900, I and J, as amended through July 17, 2005.

Chino Response

Tables 3 to 10 comparing summer rainfall pools total and dissolved metals results to aquatic life acute and chronic standards have been added to the document.

NMED Comment 11

Table 7: please add the footnote "All coordinates are given in degrees, UTM (Universal Transverse Mercator)."

Chino Response

The requested footnote has been added to Table 7.

NMED Comment 12

Appendix D: please revise with the complete set of field photos provided electronically.

Chino Response

Appendix D has been revised with the provided NewFields set of field photographs.

NMED Comment 13

Please revise Sections 2.4 -2.4.8 and 5.0 as needed per Comment 10.

Chino Response

Sections 2.4 to 2.4.8 and 5.0 have been revised. In accordance with NMED Comments 9 and 10, eight new tables were added to the document, along with new text describing the contents of the tables. In conjunction with the other NMED-requested changes, submission of individually revised pages was therefore impractical, and a revised document was prepared. The revised Technical Memorandum fulfills the requirements for NMED's consideration to give final approval as stated in their comment letter.